

LIABILITY

STATEMENT OF PURPOSE:

School nurses must assume personal and professional liability for their actions.

AUTHORIZATION/LEGAL REFERENCE:

- 12 V.S.A Chapter 23 § 519 - Emergency medical care
- 16 V.S.A Chapter 53 §1756 - Protection of school directors, teachers, employees, and board members in damage suits.
- 26 V.S.A. Chapter 28 – Nurse Practice Act

SUGGESTED SCHOOL NURSE/ASSOCIATE SCHOOL NURSE ROLES:

1. Know the Vermont Nurse Practice Act.
2. Know the Standards of School Nursing Practice (NASN).
3. Obtain professional liability insurance.
4. Know risk prevention and management strategies.

RESOURCES:

- American Nurses' Association (ANA) – www.ana.org
- National Association of School Nurses - www.nasn.org
- National Education Association - www.nea.org
- Nurses Service Organization - www.nso.com
- Pohlman, J. & Schwab, N. (2000)(Managing Risks in Professional and Clinical Performance Dilemmas: Part 1. *Journal of School Nursing*, 16(2), 46-48.
- Schwab, N., & Gelfman, M. *Legal Issues in School Health Services*, Sunrise Press, 2001.
- Vermont NEA, Montpelier, Vermont - <http://www.vtnea.org/>
- Vermont State Board of Nursing – <http://professional.org.opr1/nurses/forms/nursingrules>

SAMPLE POLICES, PROCEDURES AND FORMS

Risk Prevention and Management

Risk Prevention and Management- adapted from Nadine Schwab, March 1996.

Recurring Causes of Nursing Liability

1. Failure to keep abreast of nursing knowledge
2. Failure to take an adequate patient history
3. Failure to function within established policies
4. Failure to function within the scope of nursing education and practice
5. Failure to administer medications and treatments properly.
6. Failure to adequately supervise or monitor patients
7. Failure to observe and report changes in a patient's condition
8. Failure to document adequately and promptly: Alteration of records
9. Failure to report incompetent care by others
10. Improper physician orders - duty to defer execution
11. Failure to use aseptic technique
12. Use of defective equipment
13. Abandonment of patient
14. Failure to resuscitate promptly and properly

Strategies to Avoid Liability

1. Know the laws/standards that apply to your practice
 2. Establish, regularly update and function according to agency, policies, procedures, job descriptions, nursing protocols and standing orders
 3. Keep up-to-date in your clinical practice
 4. Document in writing notification of unsafe conditions
 5. Develop statistical data to document concerns
 6. Keep complete, accurate records of care
 7. Apply the principles of good recording to all documentation
 8. Obtain adequate consent to provide care, perform procedures
 9. Document student/family education/notification
 10. Protect the student/family's right to confidentiality
 11. Avoid verbal physician orders
 12. Do not over-delegate
 13. Initiate quality assurance/risk management programs
 14. Use the expertise of, and network with, advanced practice registered nurses and physicians in the community who are clinically competent in serving the primary health needs of your student population.
 15. Educate your policy makers (standards of care; risks)
 16. Educate your community - your consumers
 17. Budget monies for medical-legal consultation to help resolve conflicts with educational policies, procedures or legal opinion.
 18. The nurse-student relationship must supersede all others
-